

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Team # 1	CCRB Case #: 201411838	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 06/__/2014	Location of Incident: Transit District 4 station house	Precinct: 13	18 Mo. SOL 12/1/2015	EO SOL 12/1/2015	
Date/Time CV Reported Fri, 11/21/2014 4:54 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 11/21/2014 4:54 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM John Nunez	09256	910879	TB DT04		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM John Nunez	Abuse: PO John Nunez threatened to arrest § 87(2)(b)				

### Case Summary

On June 16, 2014, § 87(2)(b) was arrested and taken to the Transit District 4 stationhouse, in Manhattan. Approximately two to three weeks after the incident on an unknown date and time, and unknown day of the week, § 87(2)(b) went to the Transit District 4 stationhouse to retrieve a play he had written that had not been in his vouchered belongings at the time of his arrest. § 87(2)(b) spoke to unidentified officers at the desk. At this time, PO Nunez allegedly told § 87(2)(b) that if he did not leave he would be arrested (**Allegation A**). § 87(2)(b) then left the stationhouse.

### Mediation, Civil, and Criminal Histories

Due to § 87(2)(b)'s pending civil case, this case was unsuitable for mediation. On January 8, 2014, a FOIL request was sent to the New York City Comptroller's Office and the status of a Notice of Claim for § 87(2)(b) is pending. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] (encl. 1E).

### Civilian and Officer Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2A).
- PO Nunez has been a member of service for 23 years and there are no substantiated allegations against him (encl. 1A).

### Findings and Recommendations

#### Explanation of Subject Officer Identification

§ 87(2)(b) identified PO Nunez by his nameplate and pedigree information. PO Nunez is the only officer with that name assigned to the Transit District 4 stationhouse.

#### Allegation A- Abuse of Authority -PO John Nunez threatened to arrest § 87(2)(b)

§ 87(2)(b) was unable to provide an approximate date or day of the week or even the week when the incident occurred. § 87(2)(b) could not even narrow down the time of the incident to one tour. § 87(2)(b) was only able to provide that the incident happened between two to three weeks after he was arrested on June 19, 2014 (encl. 3B). § 87(2)(b) alleged on this unknown date he went to the Transit District 4 stationhouse and in the midst of routine discussion about how to find his missing property, PO Nunez suddenly threatened to arrest him if he did not leave.

PO Nunez did not recall this incident. PO Nunez did not recall any particular days in June when he would have been at the desk versus out in the field (encl. 2C). Because the investigation was unable to determine the date or the time, or tour of the incident, no potential witness officers could be identified or interviewed.

§ 87(2)(g)

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date